



December 2, 1999

Mr. Charles C. Bailey
District Attorney
76th Judicial District of Texas
P.O. Box 249
Mt. Pleasant, Texas 75456-0249

OR99-3466

Dear Mr. Bailey:

You ask whether "an individual may make an oral request for inspection of a public record not subject to any exception of [chapter 552 of the Government Code, the Public Information Act], or may the said public information officer legally require such request to be in writing before honoring same." Your query was assigned ID# 131533.

Open Records Decision No. 304 (1982) concluded that the predecessor provisions to chapter 552¹ "[do] not require any governmental body to produce information in the absence of a *written* request." (Emphasis in original). In support of its conclusion, the decision cited the provisions of now repealed Vernon's Texas Civil Statutes article 6252-17a, section 7. In our view, although the provisions considered by Open Records Decision No. 304 have since been re-codified, they remain the same in substance for our purposes here. See Gov't Code §552.301(a).² In accordance with Open Records Decision No. 304, we conclude that a public information officer may require that a request for information be in writing before responding to the request under the Public Information Act.³ Of course, a public information

¹The Public Information Act, also known as the Open Records act, was initially codified in 1973 as Vernon's Texas Civil Statutes article 6252-17a. Acts 1973, 63rd Leg., ch. 424. In 1993, article 6252-17a was repealed and the provisions thereof re-codified as chapter 552 of the Government Code. Acts 1993, 73rd Leg., ch. 268, § 4.

²The provisions of now repealed section 7a of Vernon's Texas Civil Statutes article 6252-17a which were considered in Open Records Decision No. 304, read, in relevant part:

... the governmental body, within a reasonable time, no later than ten days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception.

³Please note that Open Records Decision No. 304 was overruled by Open Records Decision Nos. 574 (1990) and 589 (1991) as to its treatment of attorney fee bills, the information at issue in the former decision.

officer may also, if he chooses, release public records in response to a verbal request. If you have questions about this ruling, please contact our office.

Sincerely

A handwritten signature in black ink, appearing to read "William Walker".

William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID#131533